

Public Law 105-125
105th Congress

An Act

Dec. 1, 1997

[S. 1354]

To amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF COMMUNICATIONS ACT OF 1934.

Section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) is amended—

(1) by striking “(2) or (3)” in paragraph (1) and inserting “(2), (3), or (6)”;

(2) by striking “interstate services,” in paragraph (3) and inserting “interstate services or an area served by a common carrier to which paragraph (6) applies,”;

(3) by inserting “(or the Commission in the case of a common carrier designated under paragraph (6))” in paragraph (4) after “State commission” each place such term appears;

(4) by inserting “(or the Commission under paragraph (6))” in paragraph (5) after “State commission”; and

(5) by inserting after paragraph (5) the following:

“(6) **COMMON CARRIERS NOT SUBJECT TO STATE COMMISSION JURISDICTION.**—In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting

carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.”.

Approved December 1, 1997.

LEGISLATIVE HISTORY—S. 1354:

CONGRESSIONAL RECORD, Vol. 143 (1997):

Nov. 9, considered and passed Senate.

Nov. 13, considered and passed House.